

REMARKS

In reviewing the pending claims after receiving the Notice of Allowance and Issue Fee(s) Due mailed on June 14, 2011, Applicant noted that independent claim 53 recites the step of “installing a product on a data processing system associated with the user, said data processing system establishing an agreement with the user to include an advertisement associated with said product or said service in communications transmitted from the data processing system using a communications application associated with the user” (emphasis added). However, as explained in Applicant’s response of December 21, 2010, in the paragraph spanning pages 8 to 9, the amendment to independent claim 53 was intended to delete alternative language relating to a service used by a user operating the data processing system, and new independent claim 67 was added to recite this subject matter related to subscribed services. Thus, it is obvious that the failure to delete the phrase “or the service” in the December 21, 2010, Amendment was inadvertent, and an unintentional oversight by Applicant. Consequently, proper consideration of the present amendment would require minimal review for determination of entry by the Office. Further, entry of the amendment would appear required to properly set forth the invention recited in claim 53 under 35 U.S.C. § 112, second paragraph.

As instructed in MPEP § 714.16, “where amendments of the type noted are shown (A) to be needed for proper disclosure or protection of the invention, and (B) to require no substantial amount of additional work on the part of the Office, they may be considered and, if proper, entry may be recommended by the primary examiner.” Clearly, deletion of “or said service” in above claim 53 is needed for proper disclosure or protection of the invention under 35 U.S.C. § 112, and such amendment requires no substantial amount of additional work on the part of the Office.

Accordingly, Applicant respectfully requests entry of the foregoing amendment, full consideration of the entered amendment by the Examiner, and passage of this application to issuance.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

Respectfully submitted,

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